(87)

HIGH COURT OF CHHATTISGARH AT BILASPUR

W. P. No. 354 of 2001

Petitioners	1.	Laxmni Narayan Nema, son of Kailash Chandra Nema, age about 41 years, resident of 172, Arya Nagar, Durg, Tehsil and district Durg, C'Garh.
	2.	Rama Kant Gupta, son of Mata Charan Gupta, aged about 33 years, resident of C/o Rama Studio, Tata Line camp – 2 Bhilai, Tehsil and district Durg, Chhattisgarh.
	Versus	
Respondents	1.	State of Chhattisgarh, through Secretary, Department of Public Works Housing Board, Administration and Development Raipur, Chhattisgarh.
	2.	Director, Nagar Tatha Gram Nivesh Chhattisgarh, Raipur, Chhattisgarh.
	3.	Deputy Director, Nagar Tatha Gram Nivesh, Durg, District Durg, Chhattisgarh.
	4.	Commissioner, Municipal Corporation, Bhilai, district Durg, Chhattisgarh.
	5.	Nazul Officer/Additional Collector, Durg, district Durg, Chhattisgarh.

WRIT PETITION UNDER ARTICLE 226/227 OF THE COSTITUTION OF INDIA

SB: Hon'ble Shri **Satish K. Agnihotri, J.**

Shri Ashish Shrivastava, Advocate for the petitioners.

Shri Vinay Harit, Deputy Advocate General for the respondents No. 1, 2, 3 and 5.

Shri H. B. Agarwal, Senior Advocate with Ms. Sangeeta Mishra, Advocate for the respondent No.4.

ORAL ORDER

(Passed on this 16th day of November, 2007)

1. Learned counsel appearing for the petitioners submits that the petitioners, have executed lease deeds for getting shops in the commercial shopping complex "Chouhan Plaza" at Shastri Nagar, Bhilai, constructed by one Shri Ajay Chouhan and his wife Smt. Durga Devi Chouhan.

2. In this petition the petitioners have prayed for setting aside of the impugned order dated 16.2.2001 (Annexure P/5) passed by the Secretary to the Government of Chhattisgarh in Case No. 9/Sa/Nag.Prash./2000-01 (Shri Ashok Arya Vs. Shri Ashok Chouhan) and the letter dated 3.3.2001 (Annexure P/6) issued by the Building Officer, Nagar Palik Nigam, Bhilai to owner of the shopping complex.
3. The petitioners have further prayed that the respondents be restrained from taking any coercive steps or using force to demolish the structure.
4. This Court on 20.3.2001 passed the interim order that until further orders the buildings/shops in question of the petitioners shall not be demolished.
5. Shri Vinay Harit, learned Deputy Advocate General, appearing for the State/respondents No. 1, 2, 3 and 5 and Shri H. B. Agarwal, learned Senior counsel, appearing for the respondent No.4, fairly submit that no steps for demolition of the structure or dispossession of the petitioners from the shops/lands in question shall be taken before affording proper opportunity of hearing to the petitioners, in accordance with law and compliance of the impugned orders shall not be insisted upon.
6. In view of the foregoing, nothing survives in the matter. Accordingly, this petition is disposed of. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Thakur